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December 15, 2008

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: *Monthly Progress Report No. 19 – November 2008*
*Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)*
*CERCLA Docket No. 02-2007-2009***

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- CPG and EPA held a conference call on November 12 to discuss collection and analysis of finely segmented cores.
- CPG participated in Radiochemistry Meeting with EPA, Tierra Solutions, Inc. (Tierra) and Malcolm Pirnie on November 12.

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- CPG and EPA conducted the first Lower Passaic River/Newark Bay Modeling Progress Call on November 17.
- CPG and Tierra met with EPA and its consultants to discuss specific technical components of the CSO/SWO sampling and analysis on November 18.

Correspondence

- On November 5, CPG submitted to EPA via e-mail a working draft of a revised RI/FS Schedule for review and subsequent discussion,
- On November 12, CPG sent EPA a schedule for the 2008 bathymetry survey via e-mail.
- On November 13, EPA notified CPG by e-mail that the draft Feasibility Study Work Plan was not approved and requested that CPG revise it to include site specific detail.
- On November 14, CPG submitted the October monthly progress report to EPA.
- On November 14, CPG sent EPA an e-mail inquiring about EPA's review of the CPG's Low Resolution Core (LRC) Program core location adjustments in RM0 to RM1. EPA responded on the same day that the location adjustment were tentatively approved pending input from NJDEP. Final approval of the LRC Program core location adjustments was received from EPA via e-mail on November 17.
- On November 21, CPG sent EPA a memo that provided additional information on the proposed analysis and collection of finer (high resolution) segmented cores.
- On November 24, CPG sent EPA a Finer Segmentation Sampling Plan for the LRC Program.
- On November 26, EPA provided the CPG with comments on the LRC Finer Segmentation Sampling Plan.
- On November 28, CPG provided a response to EPA comments on the Finer Segmentation Sampling Plan. EPA approved the plan on the same day.

Work

- CPG continued work on the LRC field work, with 109 locations of the proposed 115 locations completed and a total of 632 (plus duplicates and MS/MSD) of an estimated 756 samples collected. The number of samples processed which includes QC samples (duplicates, MS/MSD and EPA split samples) is 856 as of November 30, 2008.

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- CPG held several coordination calls with Deltares and Moffat & Nichol regarding review of existing data, potential data collection, and modeling coordination with the RI/FS.
- CPG continued to transition information to the modeling team of Moffatt & Nichol and Deltares. CPG continued coordination calls as well as information transfer. A meeting was also scheduled for December 8 between the modeling team and experts on hydrodynamics and sediment transport for December 8.
- CPG continued to review EPA's October 1 Responses to Comments prepared by CPG, Tierra and Partner Agencies on Field Sampling Plan Volume 2 (FSP 2) from August 2006 in preparation for December 3 to discuss FSP 2 planning and preparation
- CPG initiated the 2008 bathymetry study on November 18. The completion of this study is anticipated in early December. The study includes a multi-beam survey from RM 0 to approximately RM 14.25 and 13 single beam transects between RM 1.6 and RM 8.

(b) Results of Sampling and Tests

- PDFs of the lab data packages and copies of lab EDD files, received in November 2008 are being provided to EPA under separate cover.
- A Region 2 MEDD submittal of data validated in November 2008 will be provided as an upload to the PREmis web portal.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue the LRC field work, with completion of the effort now scheduled for December 19.
- CPG is preparing for a December 3 meeting with EPA and the Partner Agencies to review and discuss EPA's responses to comments, clarify key issues, and identify unscoped tasks in FSP 2.
- CPG will continue to integrate the modeling team into the project through web-based presentations of the investigation and historical site data. This will include Modeling Progress Calls in December 2008 and January 2009
- The CPG will complete the fall 2008 bathymetry study, which is scheduled for completion during the week of December 1.
- CPG will submit a plan to revise the preliminary Draft Feasibility Study Work Plan (submitted December 1).

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- CPG will submit a revised RI/FS schedule by December 29, 2008 based on the results of the EPA/CPG December 15 teleconference.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

The CPG Modeling Team has not yet received the sediment transport numerical model from the EPA. Based on conversations with EPA, the receipt of this model is now expected in February 2009. Further delay of the receipt of this model will affect the schedule of the CPG modeling activities, as well as the potential completion date of the RI/FS.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
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